

JUDGE CROTTY

11 CV 0244

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DOROTHY HELD,

Plaintiff,

-against-

GLOBAL CREDIT & COLLECTION CORP.,

Defendant(s).
-----X

Civil Action No.:

JAN 13 2011

U.S.D.C. S.D. N.Y.

COMPLAINT COMPLETED

DEMAND FOR JURY TRIAL

Plaintiff DOROTHY HELD ("Plaintiff"), by and through her attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant GLOBAL CREDIT & COLLECTION CORP. hereinafter referred to as Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on her own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, residing at 382 Central Park West, N.Y., N.Y. 10025

3. Defendant GLOBAL CREDIT & COLLECTION CORP is a professional corporation, with an address at 300 International Drive, PMB# 10015, Williamsville, NY 14221.

4. The Defendant is a "debt collector" as the phrase is defined and used in the

FDCPA under 15 USC §1692a (6).

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party, began collecting an alleged consumer debt from the Plaintiff.

9. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff by calling the Plaintiff in October, November and December continuously.

10. Some of the Defendant's messages were the following: 1) "This message is for Dorothy Held it's Lisa ? calling from the offices of Global, calling again in regards to a matter with us. Dorothy I did get your message on Friday. Your matter had been directed to my offices, efforts were deemed exhausted. If you can please call me back today no later than the end of my business day which is 9:00pm ummm anyways a recommendation will be made on this matter as you are clearly illustrating a lack of concern. My number here is 1-866-350-4275 ex 6106. Bye."; and 2) "Another message for Dorothy Held. It's Lisa ? calling from Global. I need you to contact me immediately

at 1-866-250-1275 in regards to a matter _____ again my number is 1-866-250-1275 extension 6106.”

11. All of the Defendant’s messages were devoid of the required disclosures under 15 USC § 1692e (11) which required the Defendant to identify themselves as debt collectors.

12. The Defendant further violated 15 USC § 1692e – preface and e(10) by using a false, deceptive and misleading representation in connection with the collection of a debt , further violated 15 USC § 1692d – preface by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt, and further violated 15 USC § 1692f – preface by using an unfair and unconscionable means to collect a debt by stating: :” all legal notifications have been made and your effort to return a phone call at this time is lacking...” and further by deceptively stating: ”Due to Federal Law I cannot disclose the details on your voicemail that is the reason for it being so important for you to contact me...”, and further :”as you are clearly illustrating a lack of concern.”

13. As Federal Law does not prohibit disclosing the details of a very important business matter the Defendant violates all of the above mention clauses in pp. 12. Further the defendant’s demeaning and abusive and harassing communication stating the Plaintiff showed a lack of concern, and her effort to return a phone call seems lacking further all violated 15 USC § 1692f – preface and 15 USC § 1692d – preface.

14. All of these phone messages were saved.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

15. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "14" herein with the same force and effect as if the same were set forth at length herein.

16. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692e – preface and e(10) and (11), 15 USC §1692d – preface, and 15 USC §1692f – preface.

17. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

18. Plaintiff DOROTHY HELD hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF


WHEREFORE, DOROTHY HELD demands judgment from the Defendants GLOBAL CREDIT & COLLECTION CORP., as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k (a) (1);
- B. For statutory damages provided and pursuant to 15 USC §1692k (2)
(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k (2)
(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k (a) (3);

- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
January 10, 2011

Respectfully submitted,

By: 
M. Harvey Rephen, (MR3384), Esq.
M. HARVEY REPHEN & ASSOCIATES, P.C.
708 Third Avenue, 6th Floor
New York, New York 10017
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Attorney for the Plaintiff Dorothy Held

To: GLOBAL CREDIT & COLLECTION CORP.
300 International Drive, PMB # 10015,
Williamsville, NY 14221

(Via Prescribed Service)

Clerk,
United States District Court, Southern of New York
(For Filing Purposes)

UNITED STATES DISTRICT COURT
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COMPLAINT

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